THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.13474 of 2005

DATED: 23.10.2007

Between:

N. Suresh ….Petitioner

AND

1. The District Level Committee
   for Sand Auctions, Zilla Parishad Compound,
   Nellore, represented by its Chairman and others

….Respondents

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THE HONOURABLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.13474 of 2005

ORDER:

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Heard the learned Counsel.

Sri Srinivasa Reddy, the learned Counsel representing the petitioner had taken this Court through the affidavit filed in support of the writ petition and the averments made thereunder and also had drawn the attention of this Court through the averments made in the counter-affidavit filed in support of W.V.M.P.No.2798 of 2005. The learned Counsel also pointed out that this is an unfortunate case where because of the total inaction on the part of the respondents in providing necessary protection, serious prejudice was caused to the petitioner. The learned Counsel also pointed out that W.P.M.P.No.27832 of 2006 is filed praying for a direction directing the respondents to refund an amount of Rs.6,64,444/-, Rs.34,000 towards registration and stamp duty of the lease deed, Rs.20,000/- towards security deposit and an amount of Rs.3.5 lakhs spent towards developing the ramp and the roads along with interest pursuant to the lease agreement dated 16.08.2004.

As can be seen from the averments made in the affidavit filed in support of the aforesaid applications, and also stand taken by the respective respondents, certain factual controversies are involved and in view of the same, this Court is of the considered opinion that it would be just and proper to give opportunity to the petitioner to agitate his rights relating to the refund of amounts, which had been prayed for

in this Writ Petition, before a competent civil Court, if the petitioner is so advised.

With the above observation, the Writ Petition is disposed of. No order as to costs.

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P.S.NARAYANA, J.

DATED:23rd October, 2007
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